

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CIRO GONZALEZ,

Plaintiff,

v.

MATTHEW PENNELL, et al.,

Defendants.

Case No. 3:24-cv-00500-ART-CSD

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF U.S.  
MAGISTRATE JUDGE

*Pro se* Plaintiff Ciro Gonzalez sued public defenders Matthew Pennell, Kirsty Pickering, Nestor Marcial, Lauren Gorman, and private investigator Nicholas Czegledi under 42 U.S.C. § 1983. (ECF No. 1-1.) Magistrate Judge Denney issued a report and recommendation (“R&R”) recommending that Plaintiff’s claims against Defendants be dismissed without prejudice because public defenders, when engaged in general representation of a criminal defendant, cannot be sued under 42 U.S.C. § 1983. *See Georgia v. McCollum*, 505 U.S. 42, 53 (1992) (citing *Polk Cnty. V. Dodson*, 454 U.S. 312).

Under the Federal Magistrates Act, a Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by [a] magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). A court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Plaintiff has not filed an objection to Judge Denney’s report and

1 recommendations and his time to do so has now expired. (See ECF No. 4.)


2 **Conclusion**

3 The Court therefore adopts Judge Denney's report and recommendation  
4 (ECF No. 4) in full.

5 In accordance with that report and recommendation, the Court dismisses  
6 Plaintiff's complaint (ECF No. 1-1) without prejudice and with leave to amend  
7 within 30 days of entry of this order.

8 Additionally, the Court denies Plaintiff's motion to produce video  
9 surveillance evidence (ECF No. 3) as moot.

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11 DATED THIS 13th day of February 2025.

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15 ANNE R. TRAUM  
16 UNITED STATES DISTRICT JUDGE  
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